

REMARKS

In response to the Office Action dated July 14, 2003, applicant presents the foregoing amendments and following remarks. Applicant respectfully requests reconsideration of the restriction requirement as set forth in the Office Action as the claims are sufficiently directed to the same subject matter, i.e., methods for leakage control and localization of leakages in plate heat exchangers, and an examination of all pending claims would not impose undue burden on the Examiner. In any event, applicant provisionally elects the Group VII claims, namely, claims 1, 8 and 10.

The Office Action restricted the pending claims in the above application into 9 groups as follows: (1) Group I (claims 1, 4 and 5); (2) Group II (claims 2, 3, 11 and 12); (3) Group III (claims 1 and 6); (4) Group IV (claims 2 and 13); (5) Group V (claims 1 and 7); (6) Group VI (claims 2 and 14); (7) Group VII (claims 1, 8, 10 and 16); (8) Group VIII (claims 2 and 15); and (9) Group IX (claim 9). According to the Office Action, the nine species listed above are patentably distinct and do not relate to a single general inventive concept because the species lack the same or corresponding special technical features.

In the amendment, applicant has canceled claim 16, which appears to be redundant, and has made minor modifications to claim 10.

Applicant respectfully traverses the restriction requirement. At minimum, applicant submits that the restriction between Groups I, III, V and VII is inappropriate and should be withdrawn. Because all of the claims in these groups depend from the same base claim, i.e., claim 1, they merely add additional features to that claim. For example, claims 4 and 5, which recite maintenance of certain pressures of the liquid in the plate heat exchanger, could certainly be incorporated with a method that utilizes certain colorant-containing liquids, as in claims 8 and 10. Similarly, such embodiments could be utilized according to a method that detected the colorant-containing liquid with UV light.

In any event, while the subject matter of the claims is commensurate with the various elements as set forth in the claims, applicant submits that a search and examination of the entire set of claims in the application can be made without serious or undue burden to the Examiner. This is because, in some form, the invention as set forth in the claims have application to a plate heat exchanger and method for examining and/or controlling leakage in the same. Accordingly, applicant respectfully requests that all of the pending claims be examined on the merits, even though the application includes claims of various scope and directed to various features and embodiments.

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Applicant provisionally elects Group VII (claims 1, 8 and 10) for prosecution in the present application without prejudice for filing one or more divisional applications to the subject matter of the non-elected claims.

Conclusion

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the nine-way restriction requirement.

Respectfully submitted,



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